

# **Exhibit E**

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September 25, 2015

The Honorable Jesse M. Furman  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

**Re: In re: General Motors LLC Ignition Switch Litigation,  
14-MD-2543 (JMF)**

Dear Judge Furman:

Pursuant to this Court's Order No. 8 § V, Lead and Liaison Counsel and counsel for General Motors LLC ("New GM") submit this joint written update to advise the Court of matters of possible significance in proceedings related to MDL 2543.

First, on September 18, 2015, plaintiff filed a motion to compel production of the Valukas Report, including any and all documents referenced therein, in *Davidson v. Gen. Motors LLC, et al.*, No. CT-003414-14 (Shelby County, Tenn.), a Category III wrongful death action alleging driver's seat defects in a 2012 Chevrolet Impala. (*See* Order No. 16, Doc. No. 316 (defining Category III actions as "'unrelated' actions seeking ignition switch-related discovery").) Plaintiff cites New GM's Deferred Prosecution Agreement with the U.S. Department of Justice, S.D.N.Y., as a basis for vitiating New GM's assertion of privilege concerning the redacted Report. A copy of the motion is attached hereto as Exhibit 1. The Honorable Felicia Corbin Johnson will hear argument on the motion on **October 9, 2015**. Additionally, earlier today, plaintiff cross-noticed the upcoming deposition of New GM CEO Mary Barra. A copy of the notice is attached hereto as Exhibit 2. In light of the threat to MDL coordination efforts posed by plaintiff's motion, the parties respectfully request that the Court utilize the tools at its disposal—including communication with Judge Corbin Johnson—to promote and facilitate coordination in *Davidson*.

Second, on September 22, 2015, plaintiff served an amended notice for the deposition of a New GM corporate representative in *Mathes v. Gen. Motors LLC*, No. CL12001623-00 (Augusta County, Va.), a wrongful death action alleging airbag and seat belt defects in a 2002 Chevrolet Impala. Plaintiff's notice also requests the depositions of 13 people, including certain MDL deponents, regarding ignition-switch-related topics. A copy of the notice is attached hereto as Exhibit 3. New GM intends shortly to move to quash plaintiff's request and for a

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protective order. New GM's motion for protective order is due by October 12, 2015. In light of the threat to MDL coordination efforts posed by plaintiff's requested discovery, the parties respectfully request that the Court utilize the tools at its disposal—including communication with the Honorable Victor Ludwig—to promote and facilitate coordination in *Mathes*.

Third, on September 3, 2015, the MDL 2543 Coordination Order (the "Coordination Order") was entered in *Linder v. Jim Taylor Chevrolet, LLC, et al.*, No. 43,703c (Franklin Parish, La.), a personal injury action alleging electrical system defects in a 2011 Chevrolet Silverado. A copy of the order is attached hereto as Exhibit 4.

Fourth, the Honorable Fred Pierantoni will be conducting a scheduling conference on a date to be determined in *Szatkowski, et al. v. Gen. Motors LLC, et al.*, No. 2014-08274-0 (Luzerne County, Pa.), a personal injury action alleging ignition switch defects in a 2006 Pontiac Solstice. The scheduling conference originally set for today has been continued at plaintiffs' request.

Fifth, on September 17, 2015, the parties appeared before the Honorable David Dowd for a hearing on plaintiffs' renewed motion for sanctions in *Felix, et al. v. Gen. Motors LLC*, No. 1422-CC09472 (City of St. Louis, Mo.), which was a subject of the parties' September 11, 2015 joint letter to the Court (*see* Doc. No. 1360). New GM filed its response to plaintiffs' motion on September 15, 2015. A copy of New GM's response is attached hereto as Exhibit 5. At plaintiffs' request, oral argument will be reset at a later date if necessary after the Missouri appellate court rules on the merits of New GM's writ of prohibition regarding its previously denied motions to transfer venue.

Sixth, on September 17, 2015, the Honorable David Dowd heard argument on New GM's motions for entry of the Coordination Order in *Alden, et al. v. Gen. Motors LLC*, No. 1522-CC09842 (City of St. Louis, Mo.), and in *Shell, et al. v. Gen. Motors LLC*, No. 1522-CC00346 (City of St. Louis, Mo.), wrongful death and personal injury actions each alleging ignition switch defects in multiple accidents, which were subjects of the parties' August 14, 2015 joint letter to the Court (*see* Doc. No. 1252). On September 15, 2015, the *Shell* plaintiffs filed a response to the motion, and on September 16, 2015, New GM filed a reply. Copies of the *Shell* plaintiffs' response and New GM's reply are attached hereto as Exhibits 6–7, respectively. At the hearing, Judge Dowd indicated his intention to deny New GM's motions while encouraging the parties to coordinate informally. The *Alden* and *Shell* plaintiffs agreed to entry of the MDL Protective Order, which was subsequently entered in both cases. Copies of the orders entered in *Alden* and *Shell* are attached hereto as Exhibits 8–9, respectively.

Seventh, on September 18, 2015, the Honorable Robert Schaffer denied plaintiffs' motion for sanctions against New GM in *Stevens, et al. v. Gen. Motors LLC, et al.*, No. 2015-04442

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(Texas MDL), a wrongful death and personal injury action alleging ignition switch defects in a 2007 Saturn Sky, which was a subject of the parties' August 27, 2015 joint letter to the Court (*see* Doc. No. 1252). A copy of the order denying the motion is attached hereto as Exhibit 10.

Eighth, on September 18, 2015, plaintiffs filed responses to New GM's motions for entry of the Coordination Order in *Colarossi v. Gen. Motors LLC, et al.*, No. 14-22445 (Suffolk County, N.Y.), and *Petrocelli v. Gen. Motors LLC, et al.*, No. 14-17405 (Suffolk County, N.Y.) which were subjects of the parties' July 17, 2015 joint letter to the Court (*see* Doc. No. 1194). Copies of plaintiff's responses are attached hereto as Exhibits 11–12, respectively. Return dates on the motions have been set for October 6, 2015 in *Colarossi* and for October 7, 2015 in *Petrocelli*.

Ninth, the following filings were made and orders entered in the Bankruptcy Court proceedings since the parties' September 11, 2015 joint letter to the Court (*see* Doc. No. 1360):

- September 11, 2015: The Bankruptcy Court entered an agreed order concerning the *Walton* plaintiff's No Strike Pleading. New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings.
- September 13, 2015: New GM, the Ignition Switch Defect (ISD) and Non-ISD Plaintiffs, and the Post-Closing Accident Plaintiffs filed their Opening Briefs or Joinders concerning the Punitive Damages Issue. The *Bledsoe*, *Elliott*, and *Sesay* plaintiffs also filed a letter concerning this issue.
- September 17, 2015: In connection with plaintiffs' request for a stay of GUC Trust distributions, the following documents were filed: (i) Stipulations of Fact Regarding Request for Stay, and (ii) Declaration of Andrew Scruton in Support of the GUC Trust Administrator and Trustee's Opposition to the Plaintiffs' Stay Request Pending the Threshold Issues Appeal. Also, New GM filed a letter with the Bankruptcy Court advising it of proceedings in this Court related to the bankruptcy proceedings.
- September 18, 2015: New GM and Plaintiffs filed their Opening Briefs concerning the Imputation Issue. The *Bledsoe*, *Elliott*, and *Sesay* plaintiffs filed a letter concerning the Imputation Issue.
- September 21, 2015: New GM filed a letter brief identifying claims and allegations barred by the Sale Order in the Bellwether Complaints.
- September 22, 2015: New GM, the ISD and Non-ISD Plaintiffs, and the Post-Closing Accident Plaintiffs filed their Reply Briefs concerning the Punitive Damages Issue. Also,

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New GM filed a Notice of Appeal regarding the Bankruptcy Court's July 29, 2015 Order regarding the *Pillars* plaintiff's No Dismissal Pleading and that Court's September 9, 2015 Decision and Order denying New GM's motion for reconsideration of same.

- September 23, 2015: New GM filed a letter brief identifying claims barred by the Sale Order contained in complaints not separately addressed in letter briefs concerning the Bellwether Complaints, State Complaints, and Second Amended Consolidated Complaint.

Copies of the foregoing documents are attached hereto as Exhibits 13–30, respectively.

Tenth, pursuant to Order No. 1 § X.8, the Defendants' July 21, 2014 Status Letter (Doc. No. 73) included an Exhibit A listing cases consolidated to date in MDL 2543, as well as an Exhibit B listing related cases pending in state and federal court, together with their current status. For the Court's convenience, updated versions of Exhibits A and B are attached hereto as Exhibit 31.

Finally, the parties continue to work to ensure that the Court is provided with current and correct contact information for presiding judges in actions listed in the aforementioned Exhibit B. To that end, the Federal/State Liaison Counsel today submitted to the Court updates to the e-mail addresses of the presiding judges in Related Actions.

Respectfully submitted,

/s/ Richard C. Godfrey, P.C.

/s/ Andrew B. Bloomer, P.C.

*Counsel for Defendant General Motors LLC*

cc: The Honorable Robert E. Gerber  
MDL Counsel of Record